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Association, as Trustee for GSAA 2007-9,
and Wells Fargo Bank, N.A.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

In Re:

RACHAEL EARL,

Debtor.

Proceedings Under Chapter 13

Case No. 2:10-bk-27333-SSC

Adversary No. 2:10-ap-02243-SSC

RACHAEL EARL, an individual

Plaintiff,

v.

US BANK NATIONAL ASSOCIATION
AS TRUSTEE FOR GSAA 2007-9 BY
ITS ATTORNEY IN FACT WELLS
FARGO BANK N.A., SUCCESSOR BY
MERGER TO WELLS FARGO HOME
MORTGAGE INC.; DOES 1-10,000

Defendants.

**DEFENDANTS' PRELIMINARY LIST
OF WITNESSES AND EXHIBITS**

Defendants U.S. Bank National Association, ("US Bank"), by and through
undersigned counsel, hereby submits its list of witnesses and exhibits:¹

I. WITNESSES US BANK INTENDS TO CALL AT HEARING

1. Christopher Reich (by Declaration)
2. Lisa Rogers

¹ Defendant reserves the right to utilize additional witnesses and documents not listed herein. Plaintiff did not file its list until after 8:00 p.m. the night before the preliminary injunction hearing.

3. Any witnesses necessary to establish foundation for documentary evidence;
4. Any fact witness listed by Plaintiff in its disclosure of witnesses and exhibits, or otherwise sought to be presented at the Hearing; and
5. Any other person(s) with knowledge of the relevant facts and circumstances in this case that are necessary to rebut any fact offered by Plaintiff.

II. EXHIBITS US BANK INTENDS TO USE AT EVIDENTIARY HEARING²

- A. Note, dated April 12, 2007;
- B. Deed of Trust, dated April 12, 2007;
- C. Notice of Default, dated November 16, 2008;
- D. Corporation Assignment Deed of Trust, dated January 15, 2008;
- E. Statement of Breach or Non- Performance, dated January 15, 2008;
- F. Substitution of Trustee, recorded in the Maricopa County Recorder's Office on January 16, 2009, as Sequence Number 2009-0041299;
- G. Notice of Trustee's Sale, recorded in the Maricopa County Recorder's Office on January 16, 2009, as Sequence Number 2009-0041300;
- H. Affidavit of Publication for Notice of Trustees Sale, published on February 5, 12, 19, and 26, 2009;
- I. Affidavit of Posting Notice of Trustee's Sale, dated March 16, 2009;
- J. Letter from Tiffany & Bosco to R. Earl, dated June 30, 2009;
- K. Letter from R. Earl to Tiffany & Bosco, dated July 15, 2009;
- L. Letter from Wells Fargo Home Mortgage to R. Earl, dated August 12, 2009;
- M. Letter from Wells Fargo Home Mortgage to R. Earl, dated September 15, 2009;
- N. Letter from Wells Fargo Home Mortgage to R. Earl, dated September 16, 2009;

² Exhibits A-DD are attached to "Defendants' Preliminary Injunction Hearing Memorandum" filed on June 28, 2011 (Docket No. 21).

- 1 O. Letter from Wells Fargo Home Mortgage to R. Earl, dated September 18,
2 2009;
- 3 P. Letter from Tiffany & Bosco to R. Earl, dated January 7, 2010;
- 4 Q. Trustee's Deed Upon Sale recorded in Maricopa County Recorder's Office
5 on January 15, 2010, as Sequence Number 2010-0035162.
- 6 R. Complaint, dated February 2, 2010 (CV2010-006146);
- 7 S. Motion for Judgment on the Pleadings, dated March 8, 2010 (CV2010-
8 006146);
- 9 T. Docket of CV2010-006146, as of January 1, 2010;
- 10 U. Verified Complaint for Emergency Temporary Restraining Order and
11 Request for Declaratory and Injunctive Relief to Vacate Trustee's Sale,
12 dated February 19, 2010 (CV2010-090616);
- 13 V. Order, dated May 18, 2010 (2:10-cv-00678);
- 14 W. Plaintiffs Motion to Dismiss Complaint Without Prejudice, dated July 12,
15 2010 (2:10-cv-00678);
- 16 X. Order, dated August 10, 2010 (2:10-cv-00678);
- 17 Y. Judgment of Dismissal in a Civil Case, dated August 11, 2010 (2:10-cv-
18 00678);
- 19 Z. Order, dated May 17, 2010 (2:10-bk-05650);
- 20 AA. Order, dated May 24, 2010 (2:10-bk-05650);
- 21 BB. Minute Entry, dated August 19, 2010 (CV2010-006146);
- 22 CC. Opposition to Plaintiff's Motion for Judgment on the Pleadings, dated July
23 7, 2010 (CV2010-006146);
- 24 DD. Amended Order, dated November 23, 2010 (CV2010-006146);
- 25 EE. Declaration of Christopher Reich, dated June 28, 2010;
- 26 FF. TDUSDS Report, dated June 24, 2011;
- 27
- 28

1 GG. Without waiving any objections to their admissibility, any exhibits listed by
2 Plaintiff in its disclosure of witnesses and exhibits, or otherwise sought to be
3 presented at the Hearing; and

4 HH. Any exhibits necessary to rebut any facts or opinions disclosed, or sought to
5 be presented at the Hearing, by Plaintiff.
6
7

8 Dated this 29th day of June, 2011.

9 SNELL & WILMER L.L.P.

10
11 By: /s/ SDJ - 018420

12 Steven D. Jerome

13 Andrew V. Hardenbrook

14 Attorneys for Defendants U.S. Bank National
15 Association, as Trustee for GSAA 2007-9, and
16 Wells Fargo Bank, N.A.

17 COPY of the foregoing served by
18 electronic notification or U.S. Mail on
19 June 29, 2011, to:

20 Kevin Lee Jensen
21 Law Offices of Kevin Lee Jensen PLLC
22 3740 E. Southern Avenue, Suite 210
23 Mesa, AZ 85206
24 Email: Kevin@jensenlawaz.com

25 Office of the U.S. Trustee
26 230 N. First Avenue, Suite 204
27 Phoenix, AZ 85003
28 Email: ustpreion14.px.ecf@usdoj.gov

/s/ Mary J. Minnick